FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAR 27 AM 9:46

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No. '08 MJ 0938
v.	)	COMPLAINT FOR VIOLATION OF: KMT
Andres GARCIA-Torres AKA: Hector GARCIA-Torres, Hector CABRERA-Cameros, Rueben Andreas GARCIA, Natalio MEDINA, Hector MALDONADO-Medina	)	Title 8, U.S.C., Section 1326; Deported Alien Found in the United States
Defendant.	)	

The undersigned complainant, being duly sworn, states:

On or about **March 09, 2007,** within the Southern District of California, defendant **Andres GARCIA-Torres** (AKA: Hector GARCIA-Torres, Hector CABRERA-Cameros, Rueben Andreas GARCIA, Natalio MEDINA, Hector MALDONADO-Medina), an alien, who had previously been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27th** DAY OF **March 2008.**

UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT

On March 09, 2007, at about 10:54pm, defendant **Andres GARCIA-Torres** was arrested and identified as "Hector GARCIA-Torres" by Officers of the Escondido Police Department, Escondido, California, for Driving Under the Influence of Alcohol in violation of California Vehicle Code Section 23152(a) and booked into county jail. While in the custody of county jail, an Immigration Agent conducted a field interview, determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from jail.

On March 26, 2008 the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE) Field Office in San Diego, California. An Immigration Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration File revealed that the defendant, Andres GARCIA-Torres (AKA: Hector GARCIA-Torres, Hector CABRERA-Cameros, Rueben Andreas GARCIA, Natalio MEDINA, Hector MALDONADO-Medina), has been ordered removed from the United States by an Immigration Judge on or about July 21, 2005, and removed to Mexico, via the Nogales, Arizona, Port of Entry on July 21, 2005. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT and Automated Fingerprint Identification System IAFIS were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Andres GARCIA-Torres (AKA: Hector GARCIA-Torres, Hector CABRERA-Cameros, Rueben Andreas GARCIA, Natalio MEDINA, Hector MALDONADO-Medina), a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Tile 8 of the United States Code 1326, Deported Alien found in the United States.

____
Deportation Officer
Immigration & Customs Enforcement

____
William McCurine Jr.
United States Magistrate Judge

3/27/08
Date/Time